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**FACSIMILE TRANSMITTAL FORM**

FAX NUMBER:	(571) 273-8300
TRANSMITTED TO:	Central Fax
OF:	U.S. Patent and Trademark Office
FROM:	Warren S. Wolfeld/Kathryn Marley
CLIENT/MATTER:	GEMF 2056-1 (10/073,763)
DATE:	11 MAY 2006

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET:	18
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Application No. 10/073,763

Attorney Docket No. GEMF 2056-1

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to United States Patent and Trademark Office at Fax No. 571.273.8300 on 11 May 2006.

  
Kathryn Marley

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**MAY 11 2006**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Markus P. Hehlen, et al.

Application No.: 10/073,763

Confirmation No.: 4505

Filed: 11 February 2002

Title: **Integrated Optical Isolator Array**

Group Art Unit: 2874

Examiner: Phan T.H. Palmer

**CUSTOMER NO. 54413**

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.181(a)  
TO WITHDRAW THE HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE**

Sir:

Applicants hereby petition for withdrawal of the Notice of Abandonment in the above-identified patent application, on the ground of failure to receive the Notice of Allowance. No fee is due for the Petition, but the appropriate fee is submitted herewith for the accompanying documents.

**FACTS**

The Notice of Allowance mailed on November 24, 2004 was addressed to the assignee's Palo Alto, CA address. However, the assignee had previously moved in June 2002 to its current address in Fremont, CA. A copy of the Notice of Allowance (page 1 only), obtained from the PTO's files, is attached hereto as Exhibit A.

As further proof that Applicants did not receive the Notice of Allowance, attached as Exhibit B is a copy of the PTO's envelope, stamped "Forwarding Order Expired" by the U.S.

Application No. 10/073,763

Attorney Docket No. GEMF 2056-1

Postal Service, and received back in the PTO on December 8, 2004. This document, too, was obtained from the PTO's files.

Applicants understand that no attempt was made by the PTO to re-mail the Notice of Allowance or to find Applicants' correct address until the Notice of Abandonment was mailed 15 months later.

The Notice of Abandonment was mailed on March 2, 2006, to Assignee's correct address in Fremont, CA. A copy of the Notice of Abandonment is attached as Exhibit C. This was Applicants' first notice that there was an outstanding communication from the PTO.

The attached exhibits therefore demonstrate that Applicants did not receive the Notice of Allowance.

### **DOCUMENTS SUBMITTED HEREWITH**

Submitted herewith are the following documents:

1. A Request for Continued Examination (RCE)
2. An Information Disclosure Statement (IDS), as the "submission" required under 37 C.F.R. 1.114(c)
3. An Amendment.

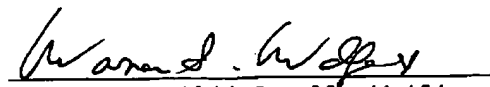
### **CONCLUSION**

In light of the above, Applicants respectfully submit that the holding of abandonment should be withdrawn, and that the RCE, IDS, and Amendment be entered.

Applicants further submit that the pending claims are again in condition for allowance and thereby solicit acceptance of the claims, in light of these amendments.

Respectfully submitted,

Dated: 11 May 2006

  
Warren S. Wolfeld, Reg. No. 41,454

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Page 2 of 2



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## NOTICE OF ALLOWANCE AND FEE(S) DUE

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26485 7590 11/22/2004  
GEMFIRE CORPORATION  
2471 EAST BAYSHORE ROAD  
SUITE 600  
PALO ALTO, CA 94303

EXAMINER	
PALMER, PHANT H	
ART UNIT	PAPER NUMBER
2874	

DATE MAILED: 11/22/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,763	02/11/2002	Markus P. Hehlen	36	4505

TITLE OF INVENTION: INTEGRATED OPTICAL ISOLATOR ARRAY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$685	\$0	\$685	02/22/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 11/04) Approved for use through 04/30/2007.

EXHIBIT A

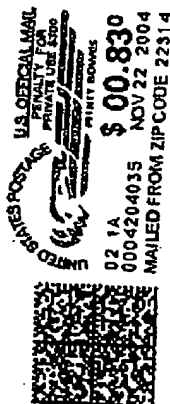
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**EXHIBIT B**

MAY 11 2006



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,763	02/11/2002	Markus P. Hehlen	56	4505
7590 03/02/2006				
Gemfire Corporation 1220 Page Ave Fremont, CA 94538				
EXAMINER PALMER, PHAN T H				
ART UNIT PAPER NUMBER				
2874				

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT C

**Notice of Abandonment**

Application No.

10/073,763

Examiner

PALMER

Applicant(s)

Markus P. Hehlen

Art Unit

2874

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 0

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